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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,136	09/08/2003	Slu Kwong Cheng	P69047US0	8664
136	7590	09/21/2004	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			MAI, HUY KIM	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,136	Applicant(s) CHENG, SLU KWONG	
	Examiner Huy K. Mai	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The declaration filed on Sept. 8, 2003 is acceptable.

Specification

2. The disclosure is objected to because of the following informalities: The unit for the dimensions (height, depth and length) of the magnets is incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said bridge inner portion" (claim 2, lines 2-3, 3(second occurrence)) has no antecedent basis. The features "the bridge inner portion of the sunglasses" (claim 6, lines 2-3; claim 7, lines 2-3) and "the bridge inner portion of the eyeglasses" (claim 6, line 3; claim 7, line 3) are undefined. What does the applicant mean by "inner"? The unit for the dimensions (height, depth and length) of the magnets in claims 4 and 5 is incorrect. It should be millimeter.

The remaining claims are dependent upon the above rejected base claim and thus inherit the deficiency thereof.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagasia (2001/0035934).

Jagasia discloses in Figs. 1-7, pages 2-3 a connection system comprising a pair of sunglasses 60 having two lenses interconnected by a bridge portion 76, a pair of eyeglasses 10 having two lenses interconnected by a bridge portion 26, and said bridge portion of said sunglasses and said bridge portion of said eyeglasses includes magnets for securing said sunglasses and said eyeglasses together. However, Jagasia discloses the bridge portion has a magnet instead of a pair of magnets as claimed. Although the magnetical attachment mechanism in the Jagasia's connection system includes a magnet, he does not limit the size of the magnet formed in the bridge portion. Thus two magnets or a long magnets formed in the bridge portion would provide the same function of magnetically attraction for securing said sunglasses and said eyeglasses together. Thus it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the connection system in the Jagasia reference by forming a pair of magnets in the bridge portion of the sunglasses for provide the same function as disclosed by Jagasia as the applicant does. Such a modification would not change the scope of the Jagasia's invention.

Regarding claims 2,6-8, Jagasia discloses the magnet secures in the bridge portion socket in stead of embedded in the bridge portion as claimed. A magnet embedded in the bridge portion is

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commonly known in the art. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the Jagasia's magnetical attachment mechanism by embedding the magnet in the bridge portion as commonly known in the art as the applicant does. Such a modification would not change the scope of the Jagasia's invention.

Regarding claims 4,5,9-11, it is assumed that the unit of the magnet's dimensions is millimeter. Although Jagasia device does not teach the exact the size of the magnet as that claimed by applicant, the shape, size, dimension differences are considered obvious choices and are not patentable unless unexpected results are obtained from these changes. Therefore, it would have been obvious to a person having ordinary skill in this art to modify the Jagasia reference by forming the magnets having the same size as the applicant's. Such a modification would have no functional differences from the Jagasia reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

A handwritten signature in black ink, appearing to read "Huy Mai".

Huy Mai
Primary Examiner
Art Unit 2873

HKM/
September 16, 2004